IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 29310 of 2006(L)

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PETITIONER:

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SMT.ANNA MATHAI, W/O.LATE MATHAI,
AGED 67 YEARS, THALIKUTHU KALLUNGAL,
PERIAPPURAM P.O. PAMPAKUDA, MUVATTUPPUZHA.

BY ADV. SRI.A.J.JOSE(AEDAIODI)

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
TAHSILDAR, MUVATTUPPUZHA.

2. THE KHADI AND VILLAGE INDUSTRIES BOARD,
REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.

3. THE PROJECT OFFICER,
DISTRICT KHADI AND VILLAGE INDUSTRIES OFFICE,
ERNAKULAM.

4. STATE BANK OF INDIA, REPRESENTED
BY ITS MANAGER, S.S.I.BRANCH NO. 5387,
ERNAKULAM.

BY ADV. SRI. V.V. JOSHI, SC for R4

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX**

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE APPLICATION FOR ONE TIME SETTLEMENT DATED 10.08.2006 SUBMITTED BY PETITIONER.

EXT.P2: TRUE COPY OF DEMAND NOTICE DATED 06.08.2001 ISSUED BY 3RD RESPONDENT.

EXT.P3: TRUE COPY OF ACKNOWLEDGMENT FOR RECEIPT OF MONEY IN FORUM NO. T.R.5 FOR A SUM OF RS.3,91,601/- DATED 24.08.2006.

EXT.P4: TRUE COPY OF LETTER OF THE TAHASILDAR DATED 24.8.2006 TO DISTRICT COLLECTOR, ERNAKULAM.

EXT.P5: TRUE COPY OF LETTER DATED 05.10.2006 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

**KURIAN JOSEPH , J**

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**W.P.(C) NO. 29310 OF 2006**

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**Dated this the 19th day of July, 2007.**

**JUDGMENT**

The writ petition is filed with the following prayers:

i. To issue a writ of mandamus or any other appropriate writ, order or direction, commanding respondents to consider and pass appropriate orders in Exhibit-P1 petition for One Time Settlement as per the scheme and pass order finalising the liability of th petitioner and file a statement before this Honourable Court.

ii. To issue a writ of certiorari or such other appropriate writ, order or direction and call for the records pertaining to the transaction and quash Ext.P5 as illegal and unsustainable in the light of payment under Exhibit-P3 receipt.

iii. To declare that the petitioner is entitled to receive back all excess payments of Rs.52,854/- by way of penal interest collection made by them over and above the recoverable minimum dues under One Time Settlement Scheme and that they are entitled to receive back the documents on the basis of satisfying the Revenue Recovery as on the date of demand and the payment to the Revenue Recovery officials without appropriating collection charges.

iv. To pass such other orders including a declaration that the hardship being found in favour of the petitioner, the respondent is to realise only to the extent of enrichment received by the petitioner and such other orders as this Honourable court may deem fit, proper and necessary in the circumstances of the case including refund of excess payments forcefully recovered amounting to Rs.52,854/- as penal charges and Rs.19,799/- as collection charges, total Rs.82,653/-

2. There is no counter affidavit by the respondents 2 to 4. The learned Government Pleader submits that it is for the 2nd respondent to consider the matter. Accordingly, the writ petition is disposed of as follows:

3. There will be a direction to the 2nd respondent to look into Ext.P1 with notice to the petitioner and the 4th respondent and take appropriate action thereon, in accordance with law in the matter of one time settlement, within a period of three months from the date of production of a copy of this judgment. In case the petitioner has paid the amounts demanded by the respondents, the documents shall be returned to her. If it is found that excess amounts have been collected from the petitioner, the same should be refunded to her.

**KURIAN JOSEPH, JUDGE.**

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